

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARK NUNEZ, et al.,

Plaintiffs,

**DECLARATION OF
SHAUN KELLY**

-against-

CITY OF NEW YORK, et al.,

Defendants.

11 Civ. 5845 (LTS)(JCF)

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UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

-against-

CITY OF NEW YORK and NEW YORK CITY
DEPARTMENT OF CORRECTION,

Defendants.

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STATE OF NEW YORK)

:SS:

COUNTY OF QUEENS)

I, Shaun Kelly, declare pursuant to 28 U.S.C. Code §1746 under penalty of perjury that the following is true and correct:

1. I am an Assistant Commissioner with the Correction Intelligence Bureau (CIB) of the New York City Department of Correction.
2. I have been asked by the City of New York to prepare the following declaration pertaining to Illustrative Examples 6, 8, and 9 in the Monitor’s July 10, 2023 report.
3. As an Assistant Commissioner of CIB, I am aware of the underlying incidents and resulting investigations designated as COD 1606/23, COD 1619/23, and COD 1860/23.

4. The underlying incidents regarding COD 1619/23 and COD 1860/23 are still open and being investigated by the CIB. CIB has closed its investigation into COD 1606/23, and has referred the matter to the Bronx County District Attorney's Office. Upon information and belief, COD 1606/23 is still open and being investigated by the Bronx County District Attorney's Office.
5. At this juncture, disclosure of any documents pertaining to the underlying incidents regarding COD 1619/23 and COD 1860/23 and the resulting investigations would impact the integrity of such investigations by revealing privileged investigative and law enforcement techniques. Furthermore, disclosure of any documents pertaining to the underlying incidents regarding COD 1619/23 and COD 1860/23 would prevent the CIB from pursuing certain investigative avenues. In addition, disclosure of any documents pertaining to the underlying incident regarding COD 1606/23 would reveal privileged investigative and law enforcement techniques.

AC Kelly, S

[NAME]

Date:

9/28/23